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| APPLICATION NO.                                                                                  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
|--------------------------------------------------------------------------------------------------|-------------|----------------------|----------------------------|------------------|
| 10/625,456                                                                                       | 07/22/2003  | Ian Zenoni           | INTE.53USU1 (ITC53)        | 9167             |
| 43997                                                                                            | 7590        | 08/22/2007           | EXAMINER                   |                  |
| OPTV/MOFO<br>C/O MORRISON & FOERSTER LLP<br>1650 TYSONS BOULEVARD, SUITE 300<br>MCLEAN, VA 22102 |             |                      | STOKELY-COLLINS, JASMINE N |                  |
|                                                                                                  |             |                      | ART UNIT                   | PAPER NUMBER     |
|                                                                                                  |             |                      | 2609                       |                  |
|                                                                                                  |             |                      | MAIL DATE                  | DELIVERY MODE    |
|                                                                                                  |             |                      | 08/22/2007                 | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                         |                     |
|------------------------------|-------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>  | <b>Applicant(s)</b> |
|                              | 10/625,456              | ZENONI, IAN         |
|                              | <b>Examiner</b>         | <b>Art Unit</b>     |
|                              | Jasmine Stokely-Collins | 2609                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-30 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 22 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.<br><br>                                                   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "408" has been used to designate both steps of "Broadcast Enhancement Data Elements" and "Broadcast Last Element Identifier". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

1. The abstract of the disclosure is objected to because it exceeds the maximum allowable number of words. Correction is required. See MPEP § 608.01(b).
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

1. Claims 2, 7, 25, 26, 28, and 29 are objected to because of the following informalities:

In claim 2, line 2, "third data element the corresponds" should be replaced with --third data element that corresponds--.

In claim 7, "said one enhancement" should be changed to --said at least one enhancement selection--.

Claim 25 is dependant on a method claim 24. However, the independent claim 24 is an apparatus claim.

As to claim 26, it is a system claim and not a method claim, as claimed in claim 29.

Claims 28 and 29 are dependent on method claims 25 and 26.

However, as discussed above, it seems that claim 25 is not a method claim.

The examiner will consider the dependency of claim 25 to the system claim 24, the dependency of claim 28 to the method claim 27, and the dependency of claim 29 to the method claim 27.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 23 recites the limitation "said request" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Schrader et al (US 2002/0157099 A1).

Regarding claim 1, Schrader teaches a method of transferring data elements of a data structure to a receiving unit in a broadcast video system (page 3, section 0033) comprising:

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broadcasting enhancement computer program code (figure 3, page 3 section 0036) to a plurality of receiving units including said receiving unit (page 3, section 0033).

Said code defines a data structure within a memory of said receiving units (figure 3, as explained in page 3 section 0036), provides a menu (page 3 section 0036: enhanced navigation tool) having a plurality of enhancement selections (figure 9: on now, on later, scores, news),

associates an identifier (Event ID) with at least one enhancement selection (figure 9: element 918 with plurality of buttons) of said plurality of enhancement selections, and enables said receiving unit to acquire data using said identifier (figure 3: Event ID, as explained in page 8 sections 0074-75).

accessing (by selecting one of the buttons of element 918 of figure 9) a plurality of data elements (figure 9: element 916 is presented) such that at least one data element (figure: element 916, i.e., NFL scores) corresponds to said at least one enhancement selection (figure 9: element 918 "ON NOW" is selected);

associating said identifier with said at least one data element (page 8 sections 0073-74); broadcasting said at least one data element and said identifier to said plurality of receiving units including said receiving unit (pages 8-9 section 0076);

accessing a second data element corresponding to said at least one enhancement (figure 9 element 916 MLB scores is further presented after the first data element, i.e. NFL scores, is presented/accessed); and

associating said identifier with said second data element (page 8, sections 0073-74).

Schrader teaches using one Event ID per enhancement selection for broadcasting said

second data element and said identifier to said plurality of receiving units including said receiving unit (pages 8-9 section 0073-0076).

Regarding claim 2, Schrader further discloses accessing a third data element (news alert, page 8 section 0075) that corresponds to another enhancement selection (figure 9: element 916: News) of said plurality of enhancement selections; associating another identifier with said third data element (page 8 section 0075: Event ID); and

broadcasting said third data element and said identifier to said plurality of receiving units including said receiving unit (block 620, as explained in paragraph 76).

Regarding claim 3, Schrader “wherein said second data element replaces said first data element in said data structure in said receiver” reads on Schrader updating information, using updated sports scores as an example, i.e., updated sports scores replace the original scores in memory (page 11, section 0096).

Regarding claim 4, Schrader further teaches broadcasting computer program code associated with said at least one enhancement selection (Figure 9: element 918) to said plurality of receiving units including said receiving unit that detects and acquires data (enhanced sports schedule) associated with said identifier and that stores said data in a memory of said receiving unit (page 3 section 0039, page 8 section 0073).

Regarding claim 5, Schrader further discloses associating a link with said at least one data element wherein said link is activated if the display of said at least one data element is selected by a user (page 10 section 0083, buttons associated with enhancement data may access Web sites).

Regarding claim 6, Schrader further discloses associating executable program code with said at least one data element wherein said code is executed if the display of said at least one data element is selected by a user (page3 section 0039, page 9 section 79).

Regarding claim 7, Schrader further discloses receiving a request from said receiving unit for said one enhancement selection of said plurality of enhancement selections (page 3 section 40).

Regarding claim 8, see analysis of claim 4.

Regarding claim 9, see analysis of claim 5.

Regarding claim 10, see analysis of claim 6.

Regarding claim 11, see analysis of claim 1.

Regarding claim 12, Schrader further discloses transmitting said first data element addressed to said receiving unit prior to broadcasting said least one data element and said identifier to said plurality of receiving units including said receiving unit (page 3 sections 0034, 0038).

Regarding claim 13, Schrader teaches a method of replicating a portion of a data structure stored in an upstream device of a broadcast system in a receiving unit of said broadcast system and displaying an element of said data structure at said receiving unit (page 8 section 0076) comprising:

receiving a broadcast at said receiving unit (page 3 section 0033, figure 1) that includes enhancement computer program code (page 3 section 0033) that defines at least one data structure (figure 3) and that provides a menu (figure 3 user interface data, as explained in page3 section 0036) having a plurality of different enhancement selections (figure 9: on now, on later, scores, news) and that associates an identifier with at least one enhancement selection of said plurality of different enhancement selections and that enables said receiving unit to acquire data associated with said identifier (page 8 sections 0074-75: Event ID);

receiving a user input selecting said at least one enhancement selection from said menu (page 9 section 0079, fig 7b: step 743);

monitoring a broadcast for said identifier (page 9 section 0076);

acquiring a data element associated with said identifier (page 9 section 0079, figure 7: step 745);

storing said data element in said data structure in a memory of said receiving unit and displaying said data element (page 9 section 0079, figure 7: step 746).

Regarding claim 14, Schrader further discloses monitoring said broadcast for said identifier (page 9 section 0076);  
acquiring enhancement processing program code associated with said identifier (page 9, section 0080); and  
displaying said data element in accordance with said enhancement processing program code (figure 8).

Regarding claim 15, Schrader further discloses receiving a user input selecting the display of said data element; and activating a link associated with said data element if said link exists (pages 9-10 section 0083, figure 8).

Regarding claim 16, Schrader further discloses receiving a user input selecting the display of said data element; and  
executing computer program code associated with said data element if said code exists (page 8, section 0074-75).

Regarding claim 17, " receiving a user input selecting the display of said data element; and  
acquiring and processing data using a second identifier associated with said data

element if said second identifier" exists reads on Schrader user selecting an alert, and the alert displaying an option to remotely record a show.

Regarding claim 18, see analysis of claim 13

Regarding claim 19, see analysis of claim 13.

Regarding claim 20, see analysis of claim 15.

Regarding claim 21, see analysis of claim 16.

Regarding claim 22, see analysis of claim 17.

Regarding claim 23, Schrader teaches an indicator that no additional data elements associated with said request remain to be broadcast (figure 10, element 1002 "10:00 left in the 2<sup>nd</sup> qtr.").

Regarding claim 24, Schrader teaches a receiving unit (figure 5: element 120) that replicates a portion of a broadcast data structure comprising: a CPU (figure 5: element 532); a memory (figure 5, element 538); video hardware that produces an on-screen display of enhancement data elements (figure 5, element 560); and computer program code stored in said memory that defines a data structure (figure 3)

and an enhancement menu (figure 3: element 326) having at least one enhancement selection associated with an identifier (figure 9:element 918 plurality of enhancement selections. “ON NOW” is presented) and that monitors a broadcast for said identifier and acquires and stores a data element (page 9 section 0076) associated with said identifier in said data structure (figure 3), and displays said data element (i.e. NFL scores), if a user selects said at least one enhancement selection (figure 9, “ON NOW” is selected).

Regarding claim 25, Schrader further teaches code that issue a request to an upstream device for enhancement data associated with said at least one enhancement selection in response to a user input selecting said at least one enhancement selection (page 9 section 0079).

Regarding claim 26, Schrader teaches the system of claim 25 further comprising: program code (page 3 section 0039) that receives a transmitted data element and that stores said transmitted data element in said data structure (figure 3) in said memory (figure5: system memory 538).

Regarding claim 27, Schrader discloses a method of replicating a portion of an upstream device data structure in a receiving unit comprising:  
“determining enhancement content to be provided” reads on Schrader Sports Content

Aggregator waiting for the occurrence of a particular event to broadcast related information (page 8 section 0076);  
creating an enhancement broadcast schedule (page 8 section 0076);  
creating an enhancement menu having a plurality of enhancement selections (figures 8-16);  
associating an identifier with at least one enhancement selection of said plurality of enhancement selections (page 8 section 0076);  
broadcasting said enhancement menu to a plurality of receivers (page 8 section 0076);  
accessing a plurality of data elements for said enhancement menu selections (pages 8-9, section 0076);  
associating said identifier with at least one data element of said plurality of data elements (pages 8-9, section 0076); and  
broadcasting said at least one data element and said identifier to a plurality of receiving units including said receiving unit (page 9, section 0076).

Regarding claim 28, see analysis of claim 18.

Regarding claim 29, see analysis of claim 27.

Regarding claim 30, Schrader teaches creating a transmission schedule including said first data element (page 6 section 0056).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holtz et al. (US 20020053078 A1) teaches a multimedia production and distribution system.

Leonardus et al. (US 6,298,480) teaches broadcasting computer programs to a plurality of target systems.

Matsuda (US 2002/0010934 A1) teaches a bidirectional information service that transmits content in response to user requests.

Rainsford (US 7,158,676) teaches interactive video program content data.

McFadden et al. (US 6,614,804 B1) teaches a method of broadcasting data to a plurality of users, while addressing bandwidth issues.

Asamizuya (US 5,793,412 A) teaches an apparatus which can send program data in response to user requests.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasmine Stokely-Collins whose telephone number is 571-270-3459. The examiner can normally be reached on M-F 7:30-5:00 EST \*\*\*Alternate Fridays off\*\*\*.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571-272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jasmine Stokely-Collins  
July 19, 2007

A handwritten signature in black ink, appearing to read "Jasmine Stokely-Collins". It consists of a stylized first name above a surname, with three horizontal lines drawn through the signature.